

**THE UNITED STATES DISTRICT COURT FOR THE EASTERN
DISTRICT OF TENNESSEE
AT CHATTANOOGA**

UNITED STATES OF AMERICA,)	
Plaintiff,)	
v.)	Case No. 1:15-cr-39
)	Judge Collier
ROBERT R. DOGGART)	Magistrate Lee
Defendant.)	

**DEFENDANT’S MOTION FOR AUTHORIZATION AND PAYMENT FOR
INVESTIGATIVE SERVICES**

Comes now defendant Robert Doggart, by and through counsel, and moves the Court pursuant to 18 U.S.C. § 3006A(e) to authorize the defense to retain an investigator at government expense. The grounds for this motion are as follow:

1. The defendant is charged in a four count Superseding Indictment with violations of 18 U.S.C. §§ 247(a)(1) and 373, 18 U.S.C. §§ 844(i) and 373, and 18 U.S.C. § 844(e). (Doc. 84.) In prosecuting the defendant, the Acting Assistant Attorney General of the Civil Rights Division certified that prosecution of the defendant under 18 U.S.C. § 247 (a)(1) was in the public interest and necessary to secure substantial justice. (Certificate of the Assistant Attorney General, filed in connection with Criminal Complaint, Doc. 1.)

2. The discovery provided by the government reveals that the case involved multiple actors and activities in multiple states of the United States. The government alleges that the defendant’s target is located in the State of New York. Some potential witnesses reside in states other than Tennessee. The government’s investigation involved the use of a confidential informant, and of both consensual and nonconsensual recordings. While the Court may not

consider the case complex, there are nonetheless numerous factual and legal complexities to it.

3. In order to adequately represent Mr. Doggart, defense counsel have need of an investigator, trained to pursue investigative leads through Internet research, as well as to conduct effective interviews by telephone.

4. Mr. Doggart has retained two attorneys to represent him in this matter, but neither contract required full payment in advance. While Mr. Doggart anticipates eventually having sufficient resources to pay his attorneys, he does not have adequate resources to pay them in full at the present time. Nor does he have resources to pay for the investigator his defense attorneys have informed him is necessary if he is to be adequately represented.

5. Under such circumstances, and upon a showing of financial need, the Criminal Justice Act provides that the Court may authorize payment of an investigator. Before giving authorization, the Court is to inquire about both the defendant's financial condition and the fee arrangements with his attorneys, in an ex parte proceeding. *Guide to Judiciary Policy, Vol. 7A, Ch. 3, §§ 310.10.10, 310.10.20.*

6. Defense counsel estimate the need of an investigator for approximately 30 hours. The investigator the defense anticipates hiring, Kay Baker, with experience as an FBI agent and as a prosecutor, charges \$75 per hour. Thus, the total cost would be \$2,250.

7. The defendant understands that, if and when his financial condition improves, he will be required to notify the Court of the improvement and to repay the Court the costs of the investigator, if required by the Court to do so. *Guide to Judiciary Policy, Vol. 7A, Ch. 2, § 210.40.40.*

8. An Affidavit of Counsel is attached to this Motion.

Wherefore, defendant Doggart asks the Court to provide him with the opportunity to

present his financial condition to the Court, ex parte, and to authorize the defense to retain an investigator at government expense.

Respectfully submitted,

/s/_R. Garth Best ____

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s/ Leslie A. Cory _____

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. Mail. Parties may access this filing through the Court's electronic filing system.

s/ Leslie A. Cory _____

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